

## Message Text

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ACTION SNM-05

INFO OCT-01 EUR-12 ISO-00 L-03 PPTE-00 CA-01 DEAE-00  
SCS-06 /028 W  
-----118708 260728Z /11  
R 260702Z AUG 78  
FM AMEMBASSY BERLIN  
TO SECSTATE WASHDC 8061

UNCLAS SECTION 01 OF 02 BERLIN 05574

EO 11652: N/A  
TAGS: SNAR, GE  
SUBJECT: NARCOTICS LAWS

REF: (A) STATE 170187, (B) BERLIN 4782

1. FOLLOWING ARE SUMMARY ANSWERS TO QUESTIONS POSED IN  
REFTEL (A). GERMAN LANGUAGE COPIES OF LAWS EMBASSY HAS  
OBTAINED ARE BEING POUCHED TO DEPT.(SCS).

2. GDR LAWS AND REGULATIONS CONCERNING NARCOTICS INCLUDE:

(A) LAW REGARDING THE TRAFFIC IN NARCOTICS - NARCOTICS  
LAW - OF DECEMBER 19, 1973 (GBL. I NR. 58).

(B) ORDER ESTABLISHING THE CENTRAL NARCOTICS BUREAU  
AND ITS RESPONSIBILITIES WITHIN THE MINISTRY OF HEALTH  
(BY MINISTER OF HEALTH), OF JANUARY 18, 1974.

(C) FIRST THROUGH FOURTH ORDINANCES CONCERNING THE  
NARCOTICS LAW, OF JANUARY 28, 1974.

3. THE MINISTRY OF HEALTH IS RESPONSIBLE FOR THE CONTROL  
OF NARCOTICS IN THE GDR. ANY ACTION IN CONNECTION WITH  
NARCOTICS NOT AUTHORIZED BY THE MINISTRY OF HEALTH (CENTRAL  
NARCOTICS BUREAU) IS CONSIDERED A NARCOTICS OFFENSE.  
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GDR NARCOTICS LAW CONSOLIDATES TRAFFICKING, CULTIVATION,  
PRODUCTION, ELABORATION, POSSESSION, ETC. OF ALL CON-  
TROLLED SUBSTANCES INTO A GENERAL NARCOTICS OFFENSE.

4. PENALTIES FOR NARCOTICS OFFENSES INCLUDE UP TO 5  
YEARS IMPRISONMENT, PROBATION, CONFINEMENT OR A FINE.

WHOEVER WILLFULLY ACQUIRES NARCOTICS (AMOUNT NOT SPECIFIED)  
TO ABUSE THEM FOR HIS OWN CONSUMPTION, WILL BE PUNISHED  
WITH UP TO 2 YEARS IMPRISONMENT, PROBATION, CONFINEMENT  
OR A FINE.

IN SERIOUS CASES, SENTENCE CAN BE INCREASED TO 10 YEARS  
IMPRISONMENT. SUCH CASES INCLUDE: INDUCEMENT OR ENCOURAGE-  
MENT OF CHILDREN OR JUVENILES TO ABUSE NARCOTICS; OFFENSES  
BY GROUPS, REPEATEDLY OR FOR CONSIDERABLE GAIN: DANGER TO  
PUBLIC ORDER AND SAFETY OR CONSIDERABLE DANGER TO HEALTH  
OR LIFE.

EXPERIMENTATION IS PUNISHABLE.

NARCOTICS OFFENSES COMMITTED THROUGH NEGLIGENCE CAN BE  
PUNISHED WITH UP TO 2 YEARS IMPRISONMENT, PROBATION OR  
A FINE.

5. ANNEX 1 TO THE FIRST ORDINANCE OF THE NARCOTICS LAW  
LISTS ALL CONTROLLED SUBSTANCES. IT IS SUBDIVIDED INTO  
THREE PARTS, AS FOLLOWS:

PART I SPECIFIES THE NARCOTIC DRUGS IN WHICH ANY TRAFFIC  
IS FORBIDDEN. THEY ARE:

ETHYL PSILOZIN  
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ETHYL PSILOCYBIN  
CANNABIS (INDIAN HEMP) AND CANNABIN  
DMHP  
PARAHEXYL  
DET  
STP, DOM  
DMT  
ETORPHINE  
HEROIN  
LSD  
MESCALINE  
PSILOZIN  
PSILOCYBIN  
TETRAHYDROCANNABINOL  
(INCLUDING THEIR ISOMERES, ESTERS, PREPARATIONS, ETC.)

PART II SPECIFIES THOSE NARCOTIC DRUGS WHICH MAY BE USED  
FOR MEDICINES. ADDITIONALLY, THESE DRUGS ARE ADMITTED TO  
TRAFFIC AS FAR AS  
- NECESSARY FOR FURTHER PROCESSING;  
- INDISPENSIBLE FOR PHARMACOLOGICAL RESEARCH OR  
OTHER SCIENTIFIC PURPOSES;

- TRANSIT THROUGH THE GDR IS CONCERNED, SUBJECT TO  
EXTENSIVE REGULATIONS.  
THESE DRUGS ARE:

AMPHETAMINIL  
DIPHENOXYLATE  
FENTANYL  
COCAINE  
METHADONE

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METHAMPHETAMINE  
METHYL PHENIDATE  
MORPHINE  
NORMETHADONE  
OPIUM  
OXYCODONE  
PETHIDINE  
PRITRAMID  
ETHYL MORPHINE  
DIHYDROCODEINE  
CODEINE

(INCLUDING THEIR SALTS AND PREPARATIONS EXCEPT FOR A FEW  
PREPARATIONS SPECIFIED WHICH MAY CONTAIN A LOW PERCENTAGE  
OF CERTAIN DRUGS AND ARE NOT SUBJECT TO THE PROVISIONS OF  
THE NARCOTICS LAW).

PART III SPECIFIES THE 100 ODD NARCOTIC DRUGS WHICH ARE  
ADMITTED TO TRAFFIC AS FAR AS

- NECESSARY FOR FURTHER PROCESSING;  
- INDISPENSIBLE FOR PHARMACOLOGICAL RESEARCH OR  
OTHER SCIENTIFIC PURPOSES;  
- TRANSIT THROUGH THE GDR IS CONCERNED, SUBJECT TO THE  
APPROPRIATE PROVISIONS OF THE NARCOTICS LAW AND ITS

ORDINANCES.

6. FINANCIAL SUPPORT FOR CULTIVATION, ELABORATION OR  
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TRAFFICKING IN NARCOTICS IS CONSOLIDATED INTO THE GENERAL  
NARCOTICS OFFENSE.

GDR LAW PROHIBITS THE IMPORT AND EXPORT  
OF GDR CURRENCY AND CURRENCY CONTROLS ARE RIGIDLY  
ENFORCED.

7. CRIMINAL PROCEDURE: INVESTIGATION AND TRIAL OF NARCOTICS  
OFFENSES FOLLOW THE CODE OF CRIMINAL PROCEDURE OF THE GDR.  
THE AGREED MINUTE BETWEEN THE U.S. AND GDR ON THE  
ESTABLISHMENT OF DIPLOMATIC RELATIONS PROVIDES FOR  
NOTIFICATION OF ARREST "AS SOON AS POSSIBLE", PRESUMABLY  
DURING THE PERIOD OF PRE-TRIAL DETENTION. WHILE THE CODE  
OF CRIMINAL PROCEDURE SPECIFIES MAXIMUM LENGTH OF PRE-  
TRIAL DETENTION, INVESTIGATIVE DETENTION MAY BE EXTENDED  
AT THE REQUEST OF THE PUBLIC PROSECUTOR. EMBASSY HAS HAD  
NO DIRECT EXPERIENCE OF NARCOTICS ARRESTS OF U.S. CITIZENS.  
OTHER WESTERN EMBASSIES WITH WHOM WE HAVE CHECKED ALSO HAVE  
NOT HAD PURELY NARCOTIC ARRESTS OF THEIR CITIZENS. CONSE-  
QUENTLY, CUSTOMARY LENGTH OF PRE-TRIAL DETENTION,  
LENGTH OF TRIAL PROCESS, AND LENGTH OF REVIEW/CONFIRMATION  
PROCEEDINGS IN NARCOTICS CASES ARE NOT KNOWN. IN OTHER  
CASES, TRIALS USUALLY LAST ONLY ONE DAY, AND SENTEN-  
CES ARE CONFIRMED WITHIN A WEEK OF THE TRIAL IF NO APPEAL  
IS FILED. GENERALLY, FOREIGN NATIONALS CHARGED WITH CRIMES  
IN THE GDR ARE NOT GRANTED CONDITIONAL LIBERTY (PAROLE).

LACK OF EXPERIENCE ALSO PRECLUDES OBSERVATIONS  
ON CUSTOMARY TREATMENT OF MINOR OFFENDERS.

PUBLIC DEFENDERS ARE AVAILABLE AT NO COST TO DEFENDANT.  
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## Message Attributes

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**Current Classification:** UNCLASSIFIED  
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